

1 MANISH KUMAR (CSBN 269493)
2 ALBERT B. SAMBAT (CSBN 236472)
3 MICAH L. RUBBO (CSBN 267465)
4 U.S. Department of Justice
5 Antitrust Division
6 450 Golden Gate Avenue
7 Box 36046, Room 10-0101
8 San Francisco, CA 94102
9 micah.rubbo@usdoj.gov
10 Telephone: (415) 934-5300

11 Attorneys for United States of America

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION
17

18 UNITED STATES OF AMERICA

19 v.

20 ALVIN FLORIDA, JR.,
21 ROBERT ALHASHASH RASHEED,
22 JOHN LEE BERRY, III, and
23 REFUGIO DIAZ,
24
25
26
27
28 Defendants.

CASE NO. CR 4:14-00582 JD

JOINT PROPOSED VOIR DIRE

Court: The Honorable James Donato
Trial Date: December 5, 2016

1 The government and undersigned defense counsel jointly request that the following questions be
2 asked in voir dire of prospective jurors in this case. A version of these questions were either included on
3 the final questionnaire in the previous trial or previously jointly proposed by the parties.

- 4 1. Ask counsel to introduce themselves and identify the case agent/defendants.
 - 5 a. Do any members of the panel know the attorney for Alvin Florida, Shaffy Moeel?
 - 6 b. Do any members of the panel know the attorney for Robert Rasheed, Steven
7 Gruel?
 - 8 c. Do any members of the panel know the attorneys for John Berry, John Forsyth?
 - 9 d. Do any members of the panel know the attorney for Refugio Diaz, Edwin Prather
10 or Max Mizono?
 - 11 e. Do any members of the panel know the attorneys for the government Manish
12 Kumar, Albert B. Sambat, Micah Rubbo, or anyone else employed by the
13 Department of Justice?
 - 14 f. Do any members of the panel know any of the government's witnesses in this
15 case [read list]?
- 16 2. Do any members of the panel know any of the defendants?
 - 17 a. Alvin Florida
 - 18 b. Robert Rasheed
 - 19 c. John Berry
 - 20 d. Refugio Diaz
- 21 3. This case is about alleged bid rigging at Alameda County foreclosure auctions. Have you
22 read or heard anything regarding this case?
- 23 4. Have you or anyone close to you ever had a negative experience with law enforcement?
- 24 5. Have you, or any member of your family, or any close friend ever been arrested, a
25 defendant in a criminal case, or accused of a criminal offense?
 - 26 a. Do you feel that person was wrongfully or inappropriately arrested?
 - 27 b. Considering your feelings about that matter, do you feel you can be fair,
28 objective, and impartial to both sides here?

- 1 6. Do any of you have beliefs, whether religious, political, or otherwise, that make it
2 difficult for you to decide the guilt or innocence of the defendants in this case?
- 3 7. Have you, a member of your family, or a close friend ever been the victim or witness of a
4 crime?
- 5 8. Does anyone have any difficulty with the rule of law that the government bears the
6 burden of proving guilt beyond a reasonable doubt?
- 7 9. Does the nature of the charges cause you any difficulties such that you feel you could not
8 be a juror in this case, or that you could not be a fair and impartial juror to both sides?
- 9 10. Do you have any education, training, or other specialized knowledge in the area of law?
10 If so, please explain.
- 11 11. Have you, a member of your family, or a close friend ever worked in the real estate
12 industry, for example as a real estate agent, mortgage broker, appraiser, title company
13 employee, or loan officer?
- 14 12. Have you, a member of your family, or a close friend ever participated in a foreclosure
15 auction?
- 16 13. Have you, a member of your family, or a close friend ever experienced a property
17 foreclosure? If so, please describe your experience.
- 18 a. Do you have any feelings about that experience that would prevent you
19 from being fair, objective, and impartial in this case?
- 20 14. Have you ever fallen behind on your mortgage payments?
- 21 a. If so, were you able to bring the loan current, refinance, get a loan
22 modification, work out a repayment plan, obtain a forbearance, short sell
23 your home, rent back your home, or give your home back to your lender
24 through a deed-in-lieu of foreclosure? Please describe your experience.
- 25 b. Do you have any feelings about that experience that would prevent you
26 from being fair, objective, and impartial in this case?
- 27 15. Have you, a member of your family, or a close friend ever worked in the banking
28 industry or for a financial institution that made home loans?

- 1 16. Have you, a member of your family, or a close friend ever worked for a trustee or an
2 auctioneer involved in real estate foreclosure auctions?
- 3 17. Is there any reason why you would not be able to give your full attention to this case?
- 4 18. Will any of you have difficulty seeing or hearing the witnesses?
- 5 19. Are you taking any medication that makes you sleepy or affects your ability to
6 concentrate?
- 7 20. Do you speak and read English fluently?
- 8 21. If you are selected to be a member of this jury, the Court will instruct you that it is your
9 duty to follow the law, regardless of what you believe the law is or ought to be. Can
10 everyone assure the parties that they will follow the Court's instructions on the law,
11 regardless of what you personally believe the law is or ought to be?
- 12 22. The government has the burden of proving the defendant guilty by a reasonable doubt. Is
13 there any member of the prospective jury panel who feels that the government must prove
14 its case beyond all doubt or to an absolute certainty?
- 15 23. Does any member of the jury feel that he/she would be unable to convict someone of a
16 crime?
- 17 24. Now, I am going to ask you to put yourselves in the shoes of the lawyers and the parties
18 in this case and ask yourself this: Is there anything you know about yourself which if you
19 were one of the lawyers or one of the parties to this case you would want to know before
20 selecting you as a juror?

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 DATED: December 1, 2016

Respectfully submitted,

2
3 _____/s/
4 SHAFFY MOEEL
5 Attorney for Defendant
6 ALVIN FLORIDA, JR.

7 _____/s/
8 STEVEN GRUEL
9 Attorney for Defendant
10 ROBERT ALHASHASH RASHEED

11 _____/s/
12 JOHN FORSYTH
13 Attorney for Defendant
14 JOHN LEE BERRY, III

15 _____/s/
16 EDWIN PRATHER
17 MAX MIZONO
18 Attorneys for Defendant
19 REFUGIO DIAZ

20 _____/s/
21 MANISH KUMAR
22 ALBERT B. SAMBAT
23 MICAH RUBBO
24 Trial Attorneys
25 Antitrust Division
26 U.S. Department of Justice
27
28